

# Exhibit “A”

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COPY

DIANE ROSETSKY, : CIVIL ACTION  
Plaintiff :  
vs. : NO. 07-3167  
NATIONAL BOARD OF MEDICAL EXAMINERS :  
OF THE UNITED STATES OF AMERICA, INC., :  
Defendant :

ORAL DEPOSITION OF DIANE ROSETSKY, taken  
before Susan K. MacSorley, Registered Professional  
Reporter and Notary Public, held in the law offices of  
Troiani/Kivitz, L.L.P., 38 North Waterloo Road, Devon,  
Pennsylvania 19333, on Wednesday, October 24, 2007, at  
10:07 A.M.

Susan K. MacSorley, R.P.R.  
211 Kleyona Avenue  
Phoenixville, Pennsylvania 19460  
(610) 917-0221

5

(It is hereby stipulated and agreed by  
and between counsel for the respective parties that  
sealing and certification are waived and that all  
objections, except as to the form of the question, are  
reserved to the time of trial.)

DIANE ROSETSKY, having been duly sworn,  
was examined as follows:

BY MS. KIVITZ:

Q. Okay. Ms. Rosetsky, have you ever had your  
deposition taken before?

A. Not for this.

Q. In anything?

A. Yes.

Q. Okay. Let me just give you a few  
instructions. You probably heard them before.

A. Uh-huh.

Q. The stenographer is going to write down what  
you say; so it's important that she hear every word  
that you say. People's inclination is to shake their  
head or nod. Your response needs to be audible so  
that she can hear you and then transcribe it.

A. Okay.

Q. The other thing I'd like to tell you is, if I  
ask you a question and it confuses you or you don't

6

understand it, please tell me, and I'll repeat it in a  
form that you can understand. Okay?

A. Okay.

Q. If I ask you a question and you answered it,  
I'm going to assume that the answer you gave me is  
what you intended to give me and that you understood  
the question. Fair enough?

A. Yes.

Q. Okay. You said your deposition had been taken  
before. Can you tell me in what circumstance that  
was?

A. A car accident.

Q. Okay. Was that an action filed against you or  
that you filed against somebody else?

A. They filed against me.

Q. Okay.

A. And then there was a real estate case, a  
termite case on my house that I filed.

Q. Okay. And when was that?

A. Oh, God.

MR. JENNINGS: When was which?

MS. KIVITZ: The termite case.

THE WITNESS: Both of these cases are  
fifteen to twenty years ago.

BY MS. KIVITZ:

7

Q. Okay. Do you remember who you sued in the  
termite case?

A. It was a realtor.

Q. Do you remember the name of the realtor?

A. No, I don't.

Q. Do you remember --

A. Harriet. That's all I remember.

Q. Do you remember if there was a settlement or a  
judgment in anybody's favor?

A. There was a settlement in our favor.

Q. And was that a civil suit?

A. Yes.

Q. Are you presently employed?

A. No.

MS. KIVITZ: Just for the record, Rufus,  
so you know, your legal assistant, when she could not  
agree to continue today's deposition until tomorrow or  
Friday so that I could attend a funeral, said the  
reason she couldn't continue it was that Ms. Rosetsky  
had taken the day off work.

MR. JENNINGS: I also have depositions  
all day tomorrow and all day Friday.

MS. KIVITZ: I'm just telling you the  
reason that was given to me.

THE WITNESS: No, actually I had to do

8

1 something for my son, and maybe she was talking about  
2 that.

3 MR. JENNINGS: Well, I told her I was  
4 unavailable tomorrow or Friday.

5 MS. KIVITZ: I'm just telling you the  
6 legal assistant had said Ms. Rosetsky had taken the  
7 day off from work.

8 MR. JENNINGS: I don't know who you  
9 spoke with and, two, what she said.

10 MS. KIVITZ: Okay.

11 MR. JENNINGS: So I can't comment on  
12 that.

13 BY MS. KIVITZ:

14 Q. Ms. Rosetsky, can you tell me if you've been  
15 employed at all since the day you left National Board  
16 of Medical Examiners?

17 A. No. No, I have not been employed.

18 Q. Okay. Can you tell me briefly about your  
19 background starting with your education?

20 A. I have an English degree from the University  
21 of Pennsylvania.

22 Q. What year?

23 A. B.A. 1984. I have a master's degree in  
24 education from 1994 from Arcadia University, which was  
25 Beaver at the time.

10

1 Q. Okay. And the reason you left there?

2 A. I was brought in as a manager, and I wound up  
3 doing too much of the transcription work; so it was  
4 mutual. I left, collected Unemployment.

5 Q. Okay. Did you feel that the transcription  
6 work was beneath your ability?

7 A. No.

8 Q. Okay. Why was it a problem that you were  
9 doing too much transcription?

10 A. Because they were asking me to do double work.  
11 And I wound up coming in late. They weren't paying me  
12 for it. I had to come in at night to answer questions  
13 because they were open twenty-four hours, and it was  
14 just.... They were having a transition with their  
15 executives actually. A lot of people were leaving. A  
16 lot of the doctors left. It was a bad situation; so I  
17 decided to go somewhere else.

18 Q. Okay. And upon leaving there, did you go  
19 someplace else?

20 A. Actually I went back to school. I got  
21 married, went to Beaver College.

22 Q. Okay. What is the next employment that you  
23 had?

24 A. I worked for the School District of  
25 Philadelphia for a while substitute teaching.

9

1 Q. Is that in elementary "ed"?

2 A. Yes.

3 Q. Okay.

4 A. And I have a paralegal certification from  
5 Manor College, which I got in 2004. I got another  
6 degree every ten years.

7 Q. Okay.

8 A. And I have -- I'm halfway through a Web Master  
9 Certification at Penn State, which I did not finish.  
10 And I have various and sundry technical IT courses  
11 that I've taken.

12 Q. Okay. Can you tell me briefly your job  
13 history, the different places you've worked and when?

14 A. I worked at Fox Chase and Jeanes Hospital as  
15 pathology transcription manager. I worked at --

16 Q. Can you tell me the years also?

17 A. 1986 or '87. Before I got married.

18 Q. Okay. And what year did you get married?

19 A. 1988.

20 Q. Okay. And so in '86 or '87, you worked where?

21 A. Fox Chase/Jeanes Hospital. The pathology  
22 office was combined at the time.

23 Q. Okay. And how many years did you work there?

24 A. About a year to a year and a half maybe. I  
25 don't recall exactly.

11

1 Q. Okay. And what years would that be?

2 A. It was on and off for, you know, when I was  
3 raising my kids. I had a baby in 1989; so I was a  
4 stay-at-home mom mostly for most of that time. I have  
5 three children.

6 Q. Okay. Can you just, as best as you can, tell  
7 me when you believe you did substitute teaching in the  
8 Philadelphia schools? the years?

9 A. Oh, God. Maybe 1988, 1989, sometime in the  
10 90's. You sign up with this thing called the "Herb  
11 (phonetic) System," and it just calls you. And if you  
12 want to take the job, you take it; if you don't, you  
13 don't.

14 I was a long-term substitute at the  
15 Spruance School for a few months. I'm trying to think  
16 what year that was. Actually I did some long-term  
17 positions a couple times. I don't know. You could  
18 call the School District. Maybe they could tell you.

19 Q. Okay. At some point did you go back to  
20 full-time employ?

21 A. No. I was home with my kids.

22 Q. Okay.

23 A. And I was getting my master's degree.

24 Q. Okay. At any point did you go back to  
25 full-time employ?

12

1 A. No. I worked -- I did some part-time work for  
2 my husband but nothing full time. I was home with my  
3 kids.

4 Q. Okay.

5 A. I actually didn't do part-time work for my  
6 husband until he owned a store in 2002, 2001 maybe.  
7 I don't remember when he bought it.

8 Q. Okay. In 2001 or '02 what is the store that  
9 he bought?

10 A. Checks 54th, Inc.

11 Q. And what type of business is that?

12 A. It's a check cash.

13 Q. Okay. What sort of work did you do?

14 A. I just did some background checks on people.  
15 I did some legal work, filing when there were bad  
16 checks and that kind of thing.

17 Q. Okay. And when you say you did a background  
18 check, what would you do?

19 A. I did Internet searches, see if the person's  
20 Social Security number was active, found their  
21 addresses, looked to see if they had any other check  
22 fraud against them. I had some issues with the Social  
23 Security Department where, you know, someone had died  
24 and they were still cashing checks. That kind of  
25 thing.

13

1 Q. Okay. And when you say you did filing, what  
2 type of filing?

3 A. Filing you mean -- in court for civil. I  
4 would just go to the court and file for civil for  
5 collections. There were actually some criminal  
6 actions, but he had to do that on his own.

7 Q. Okay. And bad checks are the types of actions  
8 that you would typically be responsible for?

9 A. Right.

10 Q. Okay. What was your salary?

11 A. Maybe \$80.00 a week.

12 Q. And how many hours did you work?

13 A. It varied. Maybe ten hours, maybe fifteen. I  
14 didn't keep, you know, really good track of it.  
15 Whatever it took me to get it done because, you know,  
16 you sat on the phone a lot with Philadelphia, trying  
17 to get through.

18 Q. Okay. And your husband's business is a check  
19 cashing agency?

20 A. Uh-huh. Yes.

21 Q. All right. Do you hold any corporate office  
22 in that business?

23 A. No. Not at this time.

24 Q. Okay. Did you?

25 A. Maybe for about six months after we bought the

14

1 business, but then I was taken off.

2 Q. Okay. And what was your corporate role at  
3 that time?

4 A. I think I was Secretary or Treasurer.

5 Q. Do you know why you were taken off?

6 A. Yes. We decided to take me off. It was just  
7 a decision that we made.

8 Q. Okay. And how many years did you work at  
9 Checks 54th?

10 A. On and off, you know, while we owned the  
11 business. I guess until maybe I started working at  
12 Penn, and then I stopped doing things for him.

13 Q. Okay. So '01-'02 to '04?

14 A. Probably until 2003. I didn't have time to do  
15 anything.

16 Q. Okay. Would your income be reflected on your  
17 tax returns from those years?

18 A. Yes.

19 Q. And following Checks 54th, did you have any  
20 other employment?

21 A. Following Checks 54th?

22 Q. Or before?

23 A. Just what's on my resume. University of  
24 Pennsylvania.

25 Q. Okay. And when did you work at the

15

1 University?

2 A. Oh, no. And I worked at Cozen O'Connor for  
3 three months, which is not on my resume. I worked as  
4 a temp at Cozen O'Connor during the summer.

5 Q. All right. And this was before you worked at  
6 Penn or before you worked at the National Board?

7 A. Before I worked at Penn.

8 Q. Okay. And did your responsibilities include  
9 clerical work?

10 A. Clerical what?

11 Q. Did your responsibilities at Cozen O'Connor  
12 include clerical work?

13 A. I was actually, like, cleaning up data because  
14 they bought another law firm and it wasn't compatible  
15 with their system. So that's what I was doing,  
16 cleaning up computer data and files on their system.

17 Q. Did you receive a typing test when you began?

18 A. I think I did. Yeah.

19 Q. Was there any typing involved in the work that  
20 you did?

21 A. Keyboarding, yes.

22 Q. Okay. Now, you said you also worked at Penn.  
23 Is that the University of Pennsylvania?

24 A. Yes.

25 Q. All right. And when did you work there?

16

1 A. I worked there for a summer from June -- was  
 2 it May or June of 2004, I think, or 2005. I think  
 3 2004 until October 1, I think.  
 4 Q. Okay. Any other employment? Any other places  
 5 you worked?  
 6 A. No.  
 7 Q. And you said you had children. Can you just  
 8 give me their names and ages?  
 9 A. Ross is eighteen and a half, Lonnie is  
 10 sixteen, and Max is twelve. He's going to be thirteen  
 11 in December.  
 12 Q. Okay. And, Ms. Rosetsky, in your discovery  
 13 responses in this case, you indicated that you have  
 14 filed for divorce.  
 15 A. Yes.  
 16 Q. Can I just ask you when that was?  
 17 A. June.  
 18 Q. Of '06? '07?  
 19 A. '07.  
 20 Q. Okay. Are there pleadings in that case in  
 21 which you have made any representations concerning  
 22 either your income or your earning capacity?  
 23 A. Pleadings?  
 24 MR. JENNINGS: Object to form.  
 25 BY MS. KIVITZ:

18

1 associated with living with you?  
 2 A. Yes.  
 3 MS. KIVITZ: Okay. I'm going to ask  
 4 that this be marked Defense Exhibit 1 and shown to  
 5 Ms. Rosetsky (indicating).  
 6 MR. JENNINGS: Do you have a copy for  
 7 me?  
 8 MS. KIVITZ: I'm going to have you share  
 9 it with her.  
 10 (Whereupon the Reporter marked  
 11 Ms. Rosetsky's National Board of Medical Examiners  
 12 Employment Application as Exhibit No. D-1 for  
 13 identification.)  
 14 BY MS. KIVITZ:  
 15 Q. Ms. Rosetsky, I've shown you your Employment  
 16 Application that you submitted to the National Board.  
 17 Do you recall that?  
 18 A. Yeah.  
 19 Q. Okay. And do you see the Notification and  
 20 Agreement on the back, certifying that all answers  
 21 were true, accurate, and complete?  
 22 A. Yes.  
 23 Q. Okay. You read that at the time before you  
 24 signed it?  
 25 A. I don't know. I may have. Probably not, but

17

1 Q. In other words, is there a Divorce Complaint  
 2 filed?  
 3 A. There is a Complaint filed, yes.  
 4 Q. Okay. And that is in Montgomery County?  
 5 A. Yes.  
 6 Q. All right. Is there also a Support or Alimony  
 7 Complaint filed by you or by your husband?  
 8 A. A Support Complaint, or is it in the  
 9 Complaint?  
 10 Q. Is there a request in any Complaint or  
 11 Petition made by you for either support or alimony?  
 12 A. I don't know. I'd have to look. An attorney  
 13 wrote it, and I really didn't....  
 14 Q. All right. Have there been any support or  
 15 alimony or equitable proceedings in Montgomery County  
 16 before a Judge or a Master?  
 17 A. No. He still lives with me.  
 18 Q. Okay. Do you know if he has filed a Petition  
 19 or Count for any sort of support or alimony from you?  
 20 A. No, he has not.  
 21 Q. Are you being paid at this point any sort of  
 22 temporary alimony or support or alimony pendente lite  
 23 by Mr. Rosetsky?  
 24 A. No.  
 25 Q. Is he paying all of the household expenses

19

1 I had seen what it was.  
 2 Q. Do you want to take a minute now and read it?  
 3 A. (Complying.)  
 4 Okay.  
 5 Q. All right. Can you describe to me what that  
 6 is that you just read?  
 7 A. It says to me if this is accurate.  
 8 Q. Okay. And that is your signature on 9/16/05?  
 9 A. Uh-huh. Yes.  
 10 Q. Do you see -- if you could, go to Page 2.  
 11 A. Yes.  
 12 Q. Do you see the "University of Pennsylvania" at  
 13 the top of the page?  
 14 A. Yes.  
 15 Q. Okay. Do you see the reason for leaving?  
 16 A. Yes.  
 17 Q. Can you tell me what you wrote?  
 18 A. I wrote "Position eliminated."  
 19 Q. Now, was that the reason that you left the  
 20 University of Pennsylvania?  
 21 A. Yes. She did not rehire somebody in my  
 22 position to the best of my knowledge. She rehired a  
 23 contract specialist.  
 24 Q. I'm sorry. She did not rehire someone in your  
 25 position?

20

1 A. A staff assistant, no.

2 Q. Okay. Did you receive correspondence from the

3 University of Pennsylvania telling you that the

4 position was going to be eliminated?

5 A. No. She just told me that, the way that I was

6 functioning, she was not interested in somebody doing

7 databases or technical work and that, the way that the

8 position was described, she was going to change it.

9 Q. She sent you a letter saying that she was

10 going to be changing --

11 A. No, she didn't send me a letter. This was

12 discussed by us when I left.

13 Q. Okay. Do you recall --

14 A. And then I have a letter of recommendation

15 from her.

16 Q. I appreciate that. But if you could listen to

17 the question, I think this would go faster.

18 Do you recall receiving correspondence

19 from the University of Pennsylvania at the time your

20 employment was terminated?

21 A. Correspondence, no.

22 MS. KIVITZ: Okay. Would you kindly

23 mark that Defense Exhibit 2 (indicating).

24 (Whereupon the Reporter marked a letter

25 dated September 22, 2004, to Diane Rosetsky from

21

1 Elizabeth Bien as Exhibit No. D-2 for identification.)

2 THE WITNESS: Ah, yes, she did give this

3 to me. I thought you meant did I receive it in the

4 mail.

5 BY MS. KIVITZ:

6 Q. Okay. So on September 22, 2004, you recall

7 receiving this letter, D-2, from Elizabeth Bien at the

8 University of Pennsylvania?

9 A. Yes. Un-huh.

10 Q. Okay. And am I correct that it does not say

11 the position was eliminated?

12 A. Yes. Well, it says "terminated."

13 Q. Right. And can you read me the second

14 paragraph in terms of --

15 A. It says -- sorry.

16 Q. -- concerning the basis for the termination of

17 employment?

18 A. "As we discussed, the quality of your

19 interpersonal interactions and the ability to

20 work cooperatively with a diverse constituency

21 did not meet the standards of this office."

22 Q. Okay. And that is what led to the termination

23 on September 30?

24 MR. JENNINGS: Objection to form.

25 THE WITNESS: Well, that's what she

22

1 claimed, but that's not what led to it. You have to

2 understand that her husband has a multi-million dollar

3 grant there. And her position was questionable, but I

4 wasn't going to be able to argue with that.

5 BY MS. KIVITZ:

6 Q. Okay. What I'm asking you, Ms. Rosetsky, is

7 isn't it true that your position wasn't eliminated?

8 It was terminated?

9 MR. JENNINGS: Objection to form.

10 THE WITNESS: I have never said that I

11 was not terminated. I said the position was

12 eliminated.

13 BY MS. KIVITZ:

14 Q. Well, why did you say --

15 A. Because that's what she told me. She could

16 write whatever she wanted to. But what she told me,

17 when I was sitting there, was that I was basically

18 overqualified for the position and that she just

19 wanted somebody to organize retreats and that she was

20 going to change the job description.

21 Q. Okay.

22 A. And she wrote me a letter of recommendation,

23 which I gave to the Board.

24 Q. Okay. Now, in this letter she did not say

25 that you were overqualified for the position, did she?

23

1 A. No, she didn't.

2 Q. Okay. And she also did not say that she was

3 going to change the position and just have someone

4 organize retreats or not organize retreats; correct?

5 A. No. But she said that to me verbally.

6 Q. Okay. But the only correspondence that you

7 received in writing from Ms. Bien was concerning your

8 position being terminated based on your interpersonal

9 interactions and inability to work cooperatively?

10 MR. JENNINGS: Objection to form.

11 THE WITNESS: Well, that's what she

12 said. That was her -- that's what she said because

13 she didn't want to look bad.

14 BY MS. KIVITZ:

15 Q. I'm sorry? She said to you that she didn't

16 want to look bad?

17 A. No. That's what I'm saying. I mean, she can

18 say whatever she wants, but have you checked her

19 personnel records?

20 Q. Well, when you say she didn't want to look

21 bad, I guess I'm asking you just to expand on that. I

22 don't know what you mean.

23 A. Because I tried to bring her into the 21st

24 century because her office was really behind the eight

25 ball as far as Internet technology was concerned. And



24

1 she asked me to make a chart, which is an NIH other  
2 support chart, which cross-references all of the money  
3 that they received from the government on training  
4 grants for all the scientists.

5 And what she asked me to do -- she gave  
6 me a two thousand line Excel chart, and it would take  
7 me weeks to make the charts that she wanted. So I  
8 told her that I could make her a database, that it  
9 would take her the push of a button.

10 And she didn't believe that I could do  
11 it, but she said, "You know, I don't have anything for  
12 you to do this summer; so, you know, if you want to  
13 work on that, you can," because they didn't have any  
14 retreats or anything.

15 So I produced it. And she wouldn't let  
16 me show it to anyone. And I did get to show it to one  
17 person, the assistant to a scientist by the name of  
18 Skip. I forget his last name. And she loved it. And  
19 then the minute after that meeting was over, she said  
20 to me, "I don't think you're right for this position."

21 I said, "Why? I just made you something  
22 that would have cost you a lot of money to produce."

23 She said, "I don't care," and she went  
24 home that day. In the morning she came back and said,  
25 you know, "I'm going to terminate your position."

25

1 She did not want the technology near her  
2 like Kathy Holtzman, who had the same problem with it.  
3 You're talking about two women who were the same age  
4 that had no technical skills, you know, that I tried  
5 to help. And they were intimidated by it.

6 Q. So you felt that Elizabeth Bien was  
7 intimidated by you?

8 MR. JENNINGS: Objection to form.

9 THE WITNESS: She was intimidated by my  
10 skills. She didn't expect it because I'd stayed home  
11 for fifteen years with my kids. And I think  
12 basically, you know, the issue that I've had with  
13 these two positions was they did not expect me to have  
14 any technology skills that I had.

15 And they were asking me to make card  
16 files and those kinds of things. And when I offered  
17 to do something more advanced that they didn't  
18 understand and -- actually this woman said to me, "I  
19 don't want to have to learn a database."

20 And I told her, "Well, you really don't  
21 have to learn anything. It's, you know, the theory of  
22 encapsulation. You'll just have to bush a button."

23 And she said, "Oh, no, no. You know, we  
24 don't want any of that."

25 And actually there was another girl in

26

1 the office who still works there, and she was  
2 interested in what I was doing. And she came down to  
3 my office, and Liz got angry at both of us because,  
4 even though the girl had nothing to do, she came down  
5 and was trying to learn from me.

6 BY MS. KIVITZ:

7 Q. Okay.

8 A. You know, it's not always what things look  
9 like.

10 Q. The position at Penn was a  
11 technologically-based position, was it not?

12 A. Yeah. Actually, as I remember the job  
13 description said, she wanted somebody to create and  
14 maintain databases for the grants in her office. And  
15 she wanted --

16 Q. That did involve technology, did it not?

17 A. Yes. But when I started to do it, she was  
18 freaked by it. And she said, "I just want somebody to  
19 do retreats."

20 That was another part of the job, doing  
21 retreats, which was setting up luncheons and that kind  
22 of thing.

23 Q. Your position at National Board of Medical  
24 Examiners also was a technologically-based position,  
25 was it not?

27

1 A. Part of it. Yeah, it was.

2 Q. Okay. And that's what you were hired to do  
3 among the different roles that you were to perform  
4 there?

5 A. Yes.

6 MR. JENNINGS: Objection to form.

7 BY MS. KIVITZ:

8 Q. Now, you wrote to Ms. Bien I guess by e-mail  
9 on September 23, the day after you got this letter?

10 A. Uh-huh.

11 Q. Okay.

12 A. Did I write to her? Oh, I don't know if I  
13 wrote to her. What did I write to her?

14 MS. KIVITZ: I'll ask that this be  
15 marked --

16 THE WITNESS: It's over three years  
17 ago.

18 MS. KIVITZ: -- as Defense Exhibit 3  
19 (indicating).

20 (Whereupon the Reporter marked an e-mail  
21 dated 9/23/04 to Liz from Diane as Exhibit No. D-3 for  
22 identification.)

23 THE WITNESS: That's one of my e-mails  
24 to her.

25 BY MS. KIVITZ:

28

1 Q. I'd like for you to take a second and take a  
2 look.  
3 A. (Complying.)  
4 Who's Chambrel? I don't know anyone by  
5 that name. And this looks like it's been retyped in.  
6 I don't know anyone by the name of Chambrel. Oh,  
7 Chambrel? Yeah. At this point Liz was going around  
8 to the different offices --  
9 Q. Wait. Just read the whole thing first. Okay?  
10 A. (Complying.)  
11 Yeah. Okay.  
12 Q. All right. Do you recall sending this --  
13 A. Yes.  
14 Q. -- to Elizabeth Bien?  
15 A. I did send it to her.  
16 Q. Okay. Do you remember telling her that you  
17 managed to get along -- you tried to get along with  
18 people as one of the messages in this e-mail?  
19 A. Yes.  
20 Q. Do you remember telling her that you even got  
21 along with a Palestinian supporter you shared the  
22 office with?  
23 A. That's right.  
24 Q. Do you remember telling her that she perceived  
25 you as threatening?

29

1 A. Yes.  
2 Q. Do you remember telling --  
3 A. She perceived my skills as threatening.  
4 Q. Do you remember telling her that you felt your  
5 work performance had outweighed any of the minor  
6 incidents that she referenced?  
7 A. No.  
8 Q. Would you look at the fifth paragraph, the  
9 bottom paragraph on the first page?  
10 A. (Complying.)  
11 Yes. It's in quotes because there  
12 weren't any incidents. She got upset when I went --  
13 she kept asking me to get some information from one of  
14 the physicians, and he never produced it. So I went  
15 to his office, and he was very glad that I was there.  
16 And he sat down with me, and I helped him write a  
17 letter that he had to write.  
18 And she got really angry because I went  
19 to his office, that I was being pushy. I mean, she  
20 was at this point -- when people start to feel  
21 threatened that your skills are better than theirs,  
22 they start picking on you.  
23 And I knew this had already started  
24 happening. Same thing that Kathy did, you know, like,  
25 with her editing that she didn't know how to write.

30

1 And I was trying to help her do some editing that she  
2 asked me to, and then she threw it in the trash can.  
3 But, yeah, this is -- you know, she  
4 started -- they start picking on things. When they  
5 don't have anything substantial, they'll go around,  
6 and they'll start intimidating other people that are  
7 beneath them, their subordinates, and try to get them  
8 against you.  
9 This is, you know, a tactic that a lot  
10 of administrators use. I know that -- and my brother  
11 always says that to me. He's a top administrator at  
12 Dow Jones. I mean, this is what this woman did, and  
13 this is what Kathy did. They're very similar, same  
14 age women, no technology skills, that just did not  
15 want any technology near them.  
16 Q. Now, did you ever feel in any other position  
17 picked on because someone felt inferior to you or  
18 threatened by your skills?  
19 A. No. I hadn't worked in fifteen years. So  
20 really, you know, I just -- I'm trying to remember if  
21 I -- no.  
22 Q. Okay. Can you look at the first -- top  
23 paragraph on Page 2?  
24 A. (Complying.)  
25 Uh-huh.

31

1 Q. Do you see how you said you had a strained  
2 relationship with Dr. Cheston?  
3 A. Yeah. I was intimidated by Dr. Cheston; he  
4 wasn't intimidated by me.  
5 Q. Okay.  
6 A. You got it reversed.  
7 Q. Well, are these your words:  
8 "The reality of this whole situation  
9 reminds me of a predicament I was in when I  
10 worked at Wistar?"  
11 A. Yeah. I was intimidated by Dr. Cheston. I  
12 worked for him. But, you know, I didn't get fired, or  
13 I didn't have any trouble with him.  
14 Q. Okay.  
15 A. He was just a lot older than me, and it was  
16 intimidating to me.  
17 Q. And what did you mean when you said you had a  
18 strained relationship with him?  
19 A. That I was afraid to go sit in his office. I  
20 mean, he was nice to me. He liked me. I was just in  
21 my twenties, and he was in his sixties, and he just  
22 made me a little nervous.  
23 Q. When did you work at Wistar?  
24 A. From 1979 to '85 or '86. I don't remember  
25 exactly.



32

1 Q. And what was your reason for leaving Wistar?

2 A. I left Wistar for a variety of reasons, but

3 basically I moved home. I moved out of town.

4 Q. Okay. Meaning you moved to Huntingdon Valley?

5 A. No. I moved back to my parents' actually.

6 Q. In 1986?

7 A. '85 or '86. Yes.

8 Q. And where was that?

9 A. Philadelphia.

10 Q. Okay. So --

11 A. The outskirts of Philadelphia.

12 Q. Okay. So because you were -- and where on the

13 outskirts of Philadelphia?

14 A. Pine Road.

15 Q. Okay. So Pine Road was too far to commute to

16 Penn?

17 A. I didn't like driving there at that time. I

18 was not a big driver.

19 Q. And where did you live when you first had

20 taken the job?

21 A. In town.

22 Q. Okay. So when you moved from center city to

23 Pine Road, you left Wistar?

24 A. Yeah. I think that that's when I left. Or I

25 left, like, a few months afterwards maybe because I

34

1 Q. Okay. Now, '79 to '86 time frame, you were

2 about how old? In your twenties?

3 A. Yeah.

4 Q. Okay. And Kurt Mayer -- how old was he?

5 A. He was in his thirties.

6 Q. And what about Dr. Cheston?

7 A. Cheston? He must have been in his sixties

8 maybe.

9 Q. Okay. Now, you said you were intimidated by

10 Dr. Cheston because he was older?

11 A. Uh-huh.

12 Q. Correct?

13 MR. JENNINGS: Yes?

14 THE WITNESS: Yes.

15 BY MS. KIVITZ:

16 Q. And --

17 A. He was nice. I mean, I liked him. He just

18 had a big, fancy office. I used to sit out

19 (indicating), and he could see me, and we used to talk

20 to each other like this. But his old secretary used

21 to come in, and she was always sitting next to him

22 because I knew her. Her name was Sue.

23 Q. Okay. Now, Kurt Mayer -- can you tell me what

24 his position at Wistar was?

25 A. Yeah. They brought him in as a new -- I think

33

1 didn't like the driving.

2 Q. All right. Is it possible you were asked to

3 leave?

4 MR. JENNINGS: Objection to form.

5 THE WITNESS: No, I was not asked to

6 leave. Actually this is more complicated than that.

7 I left on my own.

8 BY MS. KIVITZ:

9 Q. For what reason?

10 MR. JENNINGS: Objection to form.

11 THE WITNESS: Well, actually I left

12 because I didn't like the job that I was in. I left

13 because I didn't like who I was working for. He was

14 sexually harassing me, if you want to know the truth.

15 BY MS. KIVITZ:

16 Q. Who was that?

17 A. Kurt Mayer. But I never said anything to

18 anyone.

19 Q. Okay. Can you tell me what exactly occurred

20 that led you to believe you were being sexually

21 harassed?

22 A. He was leaning up against me in the office,

23 coming behind the desk. He was, you know, saying

24 different names to me instead of using my regular

25 name.

35

1 he was development, a development officer or

2 something, some new position.

3 Q. All right. And can you spell his name for me?

4 A. I think it was M-a-y-e-r.

5 Q. How about Kurt?

6 A. K-u-r-t, I think, or C-u-r-t. I think it was

7 K-u-r-t.

8 Q. Okay. Now, when he began to sexually harass

9 you, what did you do? Who did you talk to about it?

10 A. Nobody. Those days you didn't tell anybody.

11 You just -- I just decided leave. And actually I met

12 someone about five years afterwards. She had a

13 similar problem with him. Her name was Sharese

14 (phonetic). He was harassing her in some manner.

15 Q. And her last name?

16 A. Sharese Kent.

17 Q. And you said in those days you didn't tell

18 anybody?

19 A. Huh-uh.

20 Q. So how long did this harassment go on until

21 you left your position?

22 A. I don't remember. A few months maybe. Not

23 too long.

24 Q. Did you leave it for another job?

25 A. No. I just left.

36

1 Q. Okay. So if you were to say on various job  
2 applications that you left Wistar because you moved,  
3 that wasn't the real reason you left. Am I correct?  
4 A. No. It's one of the reason why I left.  
5 Q. But you just said the real reason you left was  
6 because you had been sexually harassed by Kurt Mayer?  
7 A. Well, one of the reasons was. It was also I  
8 didn't want to drive back and forth. I drove it for a  
9 while back and forth from where my parents live, but  
10 you have to come up U.S. 1, and I wasn't a big driver  
11 back then.  
12 Q. Well, if you had to say which reason took  
13 prominence, which was the more important reason that  
14 you decided you couldn't work there anymore? Which  
15 would you have said between those two?  
16 MR. JENNINGS: Objection to form.  
17 THE WITNESS: I'd say they were about  
18 equal. I mean, the two between the stress of having  
19 the drive on the expressway and Kurt, you know, being  
20 really difficult to work with.  
21 BY MS. KIVITZ:  
22 Q. Okay. So fifty percent Kurt; fifty percent  
23 that the expressway was --  
24 A. Maybe.  
25 Q. -- too hard?

38

1 work with me, I would have continued to work with her.  
2 If she would have been willing to, you know, see the  
3 value in what I was doing, I was willing to do --  
4 You know, I did hole punching for her.  
5 I did stapling for her. I walked letters across  
6 campus in a hundred-degree heat until I had blisters  
7 on my feet for her, and I didn't complain about any of  
8 the treatment.  
9 I mean, she had a young girl sitting  
10 there with a fan blowing on her with her feet up on  
11 the desk and sent me out in a hundred-degree weather  
12 to have a piece of paper signed all around the campus.  
13 And I came home, and my feet were, like, raw. And I  
14 didn't say a word to her.  
15 And, you know, she was doing these kinds  
16 of things at that point because I guess she wanted to,  
17 you know, make sure that I knew that, you know, I  
18 wasn't beyond doing those things. So I did a lot of  
19 clerical stuff for her.  
20 BY MS. KIVITZ:  
21 Q. Was hole punching and Xeroxing, the clerical  
22 work -- was that part of the job --  
23 A. When you put grants out, everybody kind of  
24 does that. But, you know, we weren't always putting  
25 out grants at that point. She just kind of -- the

37

1 A. It's subjective what I'm saying but, you know.  
2 Q. Okay. Do you remember writing to Ms. Bien  
3 again after the 23rd?  
4 MS. KIVITZ: I'll ask that this be  
5 marked Exhibit 4 (indicating).  
6 (Whereupon the Reporter marked an e-mail  
7 dated 9/24/04 to Liz Bien from Diane Rosetsky as  
8 Exhibit No. D-4 for identification.)  
9 THE WITNESS: That's right.  
10 BY MS. KIVITZ:  
11 Q. Okay. In this memo a day later, you concluded  
12 that she had been right that the two of you would be  
13 better off not working together. My first question is  
14 what made you change your mind in the interim?  
15 A. I was just appeasing her.  
16 Q. Okay. And why would that be?  
17 A. Well, it's always good to get, you know, a  
18 letter of recommendation. So I asked her for one.  
19 Q. Okay. So you didn't agree that the two of you  
20 were better off not working together, but you said it  
21 so that you might get a letter of recommendation?  
22 MR. JENNINGS: Objection to form.  
23 THE WITNESS: I don't know. I think  
24 that's kind of a crazy question, you know, if I didn't  
25 agree or not agree. I mean, if she'd been willing to

39

1 thing with walking around, getting the letter  
2 signed -- that was not part of my job description and  
3 especially in that kind of heat. I don't think you  
4 would have sent a dog out to do that.  
5 Q. Were you okay with the hole punching and the  
6 Xeroxing?  
7 A. Yeah. Helping with the grants, you know, that  
8 kind of thing, yeah. I did that at Wistar.  
9 Q. Did you feel that that utilized all of your  
10 skills?  
11 A. Did hole punching utilize my skills? I don't  
12 know. Would it utilize yours skills? I mean, you  
13 know, my children like to do hole punching sometimes.  
14 I mean, obviously that's kind of a ridiculous  
15 question.  
16 Q. Did you feel that it was beneath your skills?  
17 I'm just trying to understand.  
18 A. Beneath my skills to hole punch? No. I knew  
19 how to hole punch. I had that skill.  
20 Q. Did you feel that that was something that you  
21 should be doing?  
22 A. When it came to grants crunch, you know,  
23 working with grants on a deadline, I always  
24 participated in that.  
25 Q. Okay. And the Xeroxing?

40

1 A. Yeah. Everybody did that when it came down to  
2 the deadline.

3 Q. Okay. Now, you said that you said that  
4 Ms. Bien was right that the two of you would be better  
5 off not working together to appease her; correct?

6 A. Uh-huh.

7 MR. JENNINGS: Yes?

8 THE WITNESS: Yes. Sorry.

9 BY MS. KIVITZ:

10 Q. And that was in the hope that she would give  
11 you a letter of recommendation?

12 A. You know, you're kind of between a rock and a  
13 hard place. If somebody wants to lie about you to  
14 save their own reputation, you know, that's just what  
15 you do. It's political although I'm not a political  
16 person, but that's what I did.

17 Q. You also said:

18 "It's a shame that the database, which  
19 is an extremely valuable tool for submitting  
20 grants, is so close to being finished."

21 A. Right.

22 Q. What did you mean by that?

23 A. She wouldn't let me -- it wasn't completely  
24 finished. I mean, I can't explain it if you don't  
25 know how to build a database. It's almost like an oil

42

1 you as an outside consultant if you had been  
2 terminated two days earlier?

3 A. Because they do it most likely with other  
4 people. Depends on who you know there. And, you  
5 know, I didn't think it was a big thing.

6 Q. Did Ms. Bien rehire you in any capacity?

7 A. No. She just probably buried that database  
8 somewhere.

9 MS. KIVITZ: Okay. I'll ask that this  
10 be marked as the next exhibit (indicating).

11 THE WITNESS: She actually was causing  
12 some trouble for me at Wistar afterwards.

13 (Whereupon the Reporter marked an e-mail  
14 dated 1/12/05 to Dr. Rubenstein from Diane Rosetsky as  
15 Exhibit No. D-5 for identification.)

16 MS. KIVITZ: Off the record.

17 (Discussion was held off the record.)

18 BY MS. KIVITZ:

19 Q. Can you first tell me what you mean by she  
20 caused trouble for you at Wistar after?

21 A. I applied for a position there, and I was  
22 being considered for it. And the last person I had to  
23 interview with was Meanhart (phonetic) Herlyn. I had  
24 applied for a job there, and I got through -- I think  
25 I got through the first interview.

41

1 painting. It's never really finished until you say  
2 it's finished. There's always something to be done.

3 There were a couple functions that had  
4 to be put into it, you know, nothing major. Somebody  
5 could have -- you know, she had it on the network.  
6 Somebody could have picked up on it and finished it  
7 for them, but I don't think she ever showed it to  
8 anyone because she didn't want to have to use it.

9 Q. Now, you said in the same memo that you'd be  
10 willing to work as an outside consultant and finish  
11 it?

12 A. Right. I said, "Do you want me to finish it?"  
13 because I put so much work into it. It's kind of like  
14 not being allowed to, like I said -- like, you know,  
15 starting a painting and somebody taking it away from  
16 you and not being allowed to finish it.

17 Q. Why did you think they would want you to work  
18 as an outside consultant if they had terminated you  
19 for not getting along with the staff?

20 MR. JENNINGS: Objection to form.

21 THE WITNESS: I wasn't terminated for  
22 not getting along with the staff. That was Liz's way  
23 of justifying her not having me work there.

24 BY MS. KIVITZ:

25 Q. Why did you think that Penn would want to hire

43

1 And I had to interview with Meanhart  
2 Herlyn, and he cancelled on me. And one of the  
3 reasons, I'm sure, is because he owns an airplane with  
4 Liz Bien's husband, and I'm sure she said something to  
5 him.

6 So I sent her a certified letter, on the  
7 recommendation of an attorney that I'm friends with,  
8 telling her that she's not to discuss my employment  
9 there or slander or libel me if I applied for a  
10 position because I had a letter of recommendation from  
11 her.

12 Q. All right. Now, after Ms. Bien did not hire  
13 you, did you then write a letter --

14 Would you take a look at the next  
15 exhibit, please?

16 A. Yes.

17 Q. -- to the Executive Vice President for the  
18 Health System?

19 A. No. This is Dr. Rubenstein.

20 Q. Okay. And what is his position?

21 A. He's the Dean of the medical school.

22 Q. Okay. And you wrote to him on what date?

23 A. I don't know. Is there a date on here?

24 January, 2005.

25 Q. Okay. So this was several months after you

44

1 had been terminated?

2 A. Yes. I guess so.

3 Q. Okay. And you started out by saying:

4 "After much debate, I have decided to

5 contact you..."?

6 A. Right.

7 Q. Was that some sort of internal debate or a

8 debate you were having with someone?

9 A. It was an internal debate.

10 Q. Okay. And you contacted him also concerning

11 this database?

12 A. Uh-huh. I thought he might be interested in

13 it. Yes. Then I found out that he doesn't even -- I

14 was told he doesn't even use e-mail and that his staff

15 answers his e-mails. So the head of this medical

16 school is very non-IT.

17 Q. All right. Now, this was after Ms. Bien had

18 made it clear that she was not interested in having

19 this database completed; correct?

20 A. She never made it clear.

21 MR. JENNINGS: Objection to form.

22 THE WITNESS: She never answered me.

23 She said, "I'll consider it." She sent me an e-mail

24 saying, "I'll consider it. I'll let you know."

25 BY MS. KIVITZ:

46

1 worked at Wistar?

2 A. No. But I had a lot of interaction with him

3 for the grants.

4 Q. Who were your direct supervisors when you

5 worked at Wistar?

6 A. She's not there anymore. Sara McClain

7 (phonetic).

8 Q. Anybody else?

9 A. Dr. Cheston.

10 Q. Okay. Anybody besides --

11 A. Kurt Mayer.

12 Q. Okay. Anybody else?

13 A. Linda Bourbon (phonetic). She was there for a

14 very short time. She was terminated.

15 Q. Okay. Concerning the sexual harassment back

16 then, you didn't file any sort of E.E.O.C. action

17 then?

18 A. No.

19 Q. Okay. Did you report what Mr. Mayer did to

20 either Sara McClain or Dr. Cheston or the other woman

21 that you named?

22 A. No. I wasn't working for them. I was working

23 for Kurt only in his office.

24 Q. Okay. Did you report it to Human Resources?

25 A. No. They didn't have that then.

45

1 Q. Okay. Did you feel that it was appropriate to

2 go behind her back and write this letter? Was she

3 copied on it?

4 MR. JENNINGS: Objection.

5 BY MS. KIVITZ:

6 Q. Let me ask it that way.

7 A. Probably not, but I don't think it's going

8 behind her back. She doesn't own the medical school.

9 She's an employee there.

10 Q. Okay. So this was someone else at the medical

11 school?

12 A. This was the head of the medical school,

13 Dr. Rubenstein.

14 Q. Okay. Did he respond to you?

15 A. No. Because I found out he actually doesn't

16 even read e-mails, I was told.

17 Q. Okay. And who told you that?

18 A. I went in for an interview there. Actually it

19 was his assistant, and they said that he doesn't use

20 e-mail. I don't know if he does now. This is a few

21 years ago.

22 Q. Okay. Now, by the way, at Wistar you had or

23 have a friend there by the name of Ruggiero?

24 A. Michael. Yes.

25 Q. Okay. Was he your direct supervisor when you

47

1 Q. Okay. There was no --

2 A. This is before the Judge Thomas thing where

3 the woman complained of sexual harassment.

4 Q. Okay.

5 A. This was before all that.

6 Q. So in the 80's Wistar had no Human Resources

7 Department?

8 MR. JENNINGS: Objection to form.

9 THE WITNESS: They had a Human Resources

10 Department. I never said that. They just -- you

11 know, nobody discussed these things with you.

12 BY MS. KIVITZ:

13 Q. Okay.

14 A. It was embarrassing more than anything.

15 MS. KIVITZ: Okay. I'll ask that this

16 be marked the next exhibit (indicating).

17 (Whereupon the Reporter marked a letter

18 dated July 22, 2005, to Mrs. Alan Gewirtz from Diane

19 Rosetsky as Exhibit No. D-6 for identification.)

20 BY MS. KIVITZ:

21 Q. Is this July 22, '05, letter the letter to

22 which you referred that you sent to Elizabeth Bien?

23 A. Yes, it is. That's exactly what I was

24 explaining to you about with Meanhart Herlyn. This is

25 the letter I sent her.

48

1 Q. Okay. Now, is there some reason why you sent  
2 it to her home address and didn't send it to her at  
3 the medical school?  
4 A. No. Just wanted to make sure she got it.  
5 Q. Okay. Was there some doubt in your mind  
6 whether she would get it at the medical school?  
7 A. Yes.  
8 Q. Why?  
9 A. Because it's inter-office mail. I just sent  
10 it to her personally. It was a personal issue. This  
11 was not a work issue. As far as I was concerned, this  
12 was a personal issue at this point, her conduct  
13 between me and her. It had nothing to do with Penn.  
14 It had to do with her personally.  
15 Q. Well, Penn had terminated you; correct?  
16 MR. JENNINGS: Objection to form.  
17 THE WITNESS: No. She terminated me.  
18 Penn had no idea of the job that I was doing there.  
19 BY MS. KIVITZ:  
20 Q. But she was acting on behalf of the University  
21 of Pennsylvania; correct?  
22 MR. JENNINGS: Objection to form.  
23 THE WITNESS: No. She was acting on  
24 behalf of herself.  
25 BY MS. KIVITZ:

50

1 Penn?  
2 A. Yeah.  
3 Q. You were paid by Penn?  
4 A. Right.  
5 Q. Why did you choose to write this to Mrs. Alan  
6 Gewirtz at her home address rather than Elizabeth Bien  
7 at the Penn address where you had worked?  
8 A. Because --  
9 MR. JENNINGS: I'm going to object.  
10 It's been asked and answered.  
11 You can answer it once more.  
12 THE WITNESS: Okay.  
13 It was a personal issue between her  
14 talking to Meanhart Herlyn. It had nothing to do with  
15 the University. You know, it was her conduct that was  
16 unprofessional, and Penn can't stop people from acting  
17 in this manner. And I felt that, you know, it should  
18 be sent to her, and I sent it to her the best way that  
19 I knew it would get to her.  
20 BY MS. KIVITZ:  
21 Q. Okay. And what happened as a result of your  
22 sending this letter?  
23 A. Nothing.  
24 MR. JENNINGS: Objection to form.  
25 THE WITNESS: Nothing that I know of.

49

1 Q. Your position was -- you were not hired  
2 personally by Elizabeth Bien?  
3 A. Yes, I was.  
4 Q. No, no. My question is: Who was your  
5 employer on your pay stubs?  
6 A. It was Penn. But, you know, Penn is an  
7 aggregation of personalities and people that work  
8 there.  
9 Q. Okay. So my question again is: Why did you  
10 not write this letter to Elizabeth Bien, care of Penn?  
11 Why did you choose to write it to Mrs. Alan Gewirtz at  
12 her home address?  
13 MR. JENNINGS: Objection. Asked and  
14 answered.  
15 You can answer again.  
16 THE WITNESS: I don't see the point to  
17 you re-asking the question when I already answered it.  
18 BY MS. KIVITZ:  
19 Q. I don't believe I got an answer --  
20 A. You did get an answer.  
21 Q. -- which is why I've asked it again.  
22 A. Well, what is the difference where I sent it  
23 to? It got to her. And it was sent certified mail.  
24 It wasn't sent, you know --  
25 Q. No, no, no. My question is: You worked for

51

1 BY MS. KIVITZ:  
2 Q. Well, did you ever receive a response from her  
3 or from Penn?  
4 A. No.  
5 Q. Did you ever hire counsel?  
6 A. No.  
7 Q. You said before you have a letter of  
8 recommendation --  
9 A. Yes.  
10 Q. -- from the medical school?  
11 A. Yes.  
12 Q. Who --  
13 A. Elizabeth Bien.  
14 Q. Okay. And when was that dated?  
15 A. I don't know. It was maybe a week or so after  
16 I was terminated.  
17 Q. Okay. Was it before the date that you wrote  
18 this letter?  
19 A. Yes. I think so.  
20 Q. Now, you said you would have no trouble hiring  
21 legal counsel --  
22 A. Right.  
23 Q. -- to pursue this further. Did you hire legal  
24 counsel?  
25 A. No. Because I actually got another interview

52

1 at Wistar after this. I don't know if she -- I'm sure  
2 she didn't continue saying anything. But the damage  
3 was already done because Meanhart Herlyn is one of  
4 the -- he's Associate Director there. So the damage  
5 was already done.

6 MS. KIVITZ: Okay. Would you please  
7 mark this as the next exhibit (indicating).

8 (Whereupon the Reporter marked a resume  
9 submitted to the National Board as Exhibit No. D-7 for  
10 identification.)

11 BY MS. KIVITZ:

12 Q. Ms. Rosetsky, I'm handing you the resume that  
13 you submitted to the National Board when you applied  
14 for your original employment. Do you recognize it?

15 A. Yeah. It looks like my resume. Yep.

16 Q. Okay. Can you take a look at it, please?

17 A. Okay. I'm looking at it.

18 Q. Is everything on the resume true and correct?

19 A. Yes. It should be. Yep.

20 Q. Did you work at Fox Chase Cancer Center  
21 between 1985 and 1987?

22 A. I worked in the Jeanes Hospital building and  
23 Fox Chase Cancer Center, and Jeanes used the pathology  
24 office. Yes.

25 Q. Okay. And did you work at Wistar between '79

53

1 and '85?

2 A. Yes. Between '79 and '86 or '79 and '85.

3 Something like that.

4 MS. KIVITZ: I'll ask this be marked the  
5 next exhibit (indicating).

6 (Whereupon the Reporter marked a resume  
7 submitted to the University of Pennsylvania as Exhibit  
8 No. D-8 for identification.)

9 BY MS. KIVITZ:

10 Q. I'm handing you the resume that you had  
11 submitted to the University of Pennsylvania --

12 A. Uh-huh.

13 Q. -- in connection with your medical school  
14 work.

15 A. Right.

16 Q. Now, on this resume you have your paralegal  
17 certification as 2003.

18 A. It's -- okay. It's probably 2004.

19 Q. Do you know for sure which year it is?

20 A. I'd have to look. I don't remember. I think  
21 it's 2004.

22 Q. Okay. Going further down, your employment on  
23 the Penn resume you included the Checks 54th, Inc.

24 A. Right.

25 Q. '99 to present.

54

1 A. Right.

2 Q. Do you see that?

3 A. Uh-huh. Yes.

4 Q. Were those the actual years, '99 to '04, that  
5 you worked at Checks 54th?

6 A. Yes. To '03 probably.

7 Q. Beginning in 1999?

8 A. Whenever he bought the business. It was  
9 either 2000 or 1999.

10 Q. Okay. Was there any reason you didn't include  
11 your employment at Checks 54th on the resume that went  
12 to the National Board?

13 A. It wasn't relevant. I tend to just put, like,  
14 relevant things. I didn't put Cozen O'Connor on there  
15 either because I wasn't looking for paralegal work at  
16 that time. So it's more like relevant employment  
17 that's on there.

18 Q. Okay. But this would indicate, at least when  
19 you've made statements that you were home for fifteen  
20 years before you worked at the National Board, that  
21 that is not the case? You were at least working  
22 sometime around 1999?

23 A. No. I never left the house. I worked from  
24 home. And when I did work, it was things for my  
25 husband that I did while my kids were sleeping and in

55

1 between breast-feedings.

2 Q. Now, you said your position at Checks 54th was  
3 office manager?

4 A. Right.

5 Q. Are you suggesting that you were the office  
6 manager from home?

7 A. From home. Sometimes I did his Quick Books  
8 and those kinds of things and helped him. It's only a  
9 sole proprietorship.

10 Q. Okay. And, again, the tax return from 1999  
11 through '03 or '04 would show how much salary you  
12 earned at Checks 54th?

13 A. Yeah. When he decided to pay me. Yes.

14 Q. Okay. Now, on your National Board resume, you  
15 indicate that you worked at Jeanes from '85 to '87?

16 A. Right.

17 Q. And on your Penn resume, you indicate that you  
18 worked there from '87 to '89?

19 A. Right.

20 Q. Which of those would be correct?

21 A. You know, this is, like, a really old resume,  
22 and I probably just did it off the top of my head  
23 because I don't have any, like, pay stubs or anything.

24 Q. Which is the --

25 A. And then I finally called and asked when I



56

1 worked there, and I changed it. But the amount of  
 2 years was six or seven years and then about a year and  
 3 a half at Fox Chase.  
 4 Q. Okay. Wait a minute. Which of the resumes is  
 5 an old resume?  
 6 A. This one (indicating).  
 7 Q. The one you're holding now?  
 8 A. Yeah.  
 9 MR. JENNINGS: Well, it's Exhibit 8, to  
 10 make it clear.  
 11 MS. KIVITZ: Okay.  
 12 BY MS. KIVITZ:  
 13 Q. But wasn't this exhibit, Exhibit 8, handed in  
 14 to Penn just less than a year before Exhibit 7 was  
 15 handed in to the National Board?  
 16 A. I don't know what the date is on this.  
 17 Q. Well, when did you apply for your employment  
 18 with the National Board of Medical Examiners?  
 19 A. 2005 I guess.  
 20 Q. And when did you apply for your employment  
 21 with Penn's medical school?  
 22 A. Over a period of years. I have hundreds of  
 23 applications in there. And you can change this, and I  
 24 have a lot of resumes in there tailored to different  
 25 jobs.

58

1 there, but I did work there.  
 2 BY MS. KIVITZ:  
 3 Q. Okay. Would you look at the next entry for  
 4 Wistar?  
 5 A. Uh-huh.  
 6 Q. Do you see --  
 7 A. That's a typo. I told Liz that. That should  
 8 have been 1979. And when I went into the interview, I  
 9 actually said to her, "There's a typo."  
 10 And she said, "Okay." And she changed  
 11 it.  
 12 Q. All right. Well, do you see that on this  
 13 resume your years say '87 -- I'm sorry -- '76 to '87?  
 14 A. Right.  
 15 Q. Okay. Can you take a look at D-7?  
 16 A. (Complying.)  
 17 Q. What do the years for Wistar say there?  
 18 A. Yeah. Then I called them, and they said it  
 19 was '79 to '85.  
 20 Q. Okay. So you're saying --  
 21 A. You're talking twenty years ago. You expect  
 22 me to remember the exact dates? And I never kept my  
 23 resume updated when I was home with my kids.  
 24 Q. Okay.  
 25 A. It was, you know, in my head just when I

57

1 Q. When did you work there?  
 2 A. 2004.  
 3 Q. Okay. So is it correct that you left the  
 4 medical school in October, '04, and began with the  
 5 National Board less than a year later?  
 6 A. '04? Yeah. I started at the Board in June of  
 7 '05 or May of '05.  
 8 Q. Okay. So what I'm asking you is why are you  
 9 calling D-8 an "old resume"?  
 10 A. Because it's an older resume. I update my  
 11 resume, you know, all the time. This is old. This is  
 12 before I worked at Penn; so you're talking three, four  
 13 years ago.  
 14 Q. Okay. Let me try this. Did you work at  
 15 Jeanes Hospital from 1985 to 1987, or did you work  
 16 there from 1987 to 1989?  
 17 MR. JENNINGS: Objection to form.  
 18 THE WITNESS: I don't know the exact  
 19 years. Maybe 1986 to 19 -- I didn't work there in  
 20 '89, I don't think, because I think my son was born  
 21 then. But it was a time period of a year and a half  
 22 in either '86 to '87, somewhere around that.  
 23 And I didn't have any pay stubs or  
 24 anything, and they don't seem to have any record of me  
 25 anymore there. So I don't know exactly when I worked

59

1 worked there.  
 2 Q. I'm just trying to find out what years you  
 3 worked at Wistar.  
 4 A. This is correct (indicating). I actually  
 5 called Mike Ruggiero, and he told me it was '79 to  
 6 '85.  
 7 MR. JENNINGS: And by "this," you're  
 8 referring to Exhibit 7?  
 9 THE WITNESS: Uh-huh.  
 10 MR. JENNINGS: Is that "yes"?  
 11 THE WITNESS: Yes.  
 12 BY MS. KIVITZ:  
 13 Q. Okay. Now, when you applied for temporary  
 14 employment at Cozen O'Connor, one of the questions  
 15 they had asked you was to describe your proudest work  
 16 accomplishment.  
 17 A. Uh-huh.  
 18 Q. Do you remember saying that that was at the  
 19 School of Medicine because you had created a database  
 20 on NIH support tables? You took an Excel spreadsheet  
 21 and converted it to Access.  
 22 A. Yes.  
 23 Q. Okay.  
 24 A. I suppose. If I wrote it -- I don't recall  
 25 that but....